



KELLEY CAWTHORNE

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*Frank J. Kelley
Dennis O. Cawthorne
Patrick H. McCollough
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David Gregory*

Memo

GOVERNMENT
RELATIONS
CONSULTANTS

*Rob Elhenicky
Dave Ladd
Melissa Yutzey*

OF COUNSEL

Bill Bullard, Jr.

To: Representative Andy Meisner, Chair
House Commerce Committee members
From: Melissa Yutzey
Date: October 8, 2007
Re: HBs 4470-4772

Attached please find the testimony of several architects across the state of Michigan who oppose House Bills 4770-4772.

If you have any questions please do not hesitate to contact me.



September 17, 2007

State of Michigan House of Representatives
Commerce Committee
Lansing Michigan

Re: Opposition to House Bills 4770, 4771, and 4772

Dear Committee Members:

I was in attendance at the Commerce Committee hearing on Tuesday, September 11, 2007, regarding House Bills 4770-4772. It seems there were some very important points missed during the discussion.

As a principal running a Michigan business and a voter concerned about the State's economic standing, I am opposed to the proposed legislation because it creates unnecessary regulation and bureaucracy. At a time when there is not enough money to enforce existing licensing and registration laws, proposing more licensing is not productive. Since this legislation was last proposed, the state budget situation has become more difficult to balance. The board of landscape architects has been dissolved by executive order to reduce costs. The house fiscal agency estimates the cost of the proposed law at \$50,000 annually. This will be a perpetual cost and ongoing regulatory burden in the future. And it is not needed.

We have interior designers in our 110-person Architectural/Engineering firm so I understand what interior designers do and how valuable their talents are. There is no reason to add another layer of government regulation to enable them to perform their role in the design process and to do business. The interior designers' scope of work is limited by their education and skills, which are actually in alignment with the building codes; they are not limited by their regulatory status.

The legislation is intrusive, costly and unnecessary government. More regulation is not required. The issue of non-uniform administration and misapplication of building codes that interior designers are concerned about can easily be handled administratively, without resorting to unnecessary regulation.

TMP ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Stephen Smith', is written over a horizontal line.

Stephen Smith, AIA
Senior Vice President

Home address:
5623 Westwood Ct
Bloomfield Hills MI 48301
248-626-5432 (H)
248-745-3280 (W)

C:\Documents and Settings\stephen\Desktop\2007-09-17 Steve Smith Opposition to HB 4770 71 721.doc

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ROGER L. DONALDSON, AIA P.L.C.
ARCHITECT

Member
American Institute of Architects
Association of Licensed Architects
National Fire Protection Association
National Frame Builders Association
Construction Specifications Institute
International Conference of Building Officials
National Council of Architectural Registration Boards

September 17, 2007

Dear House Commerce Committee:

I was present at the Commerce Committee hearing on September 11, 2007. The subject of the hearing was Interior Designer Licensing. I don't think the Committee heard the whole story. The Committee basically heard that Architects are unreasonable obstructionists due to their lack of respect for Interior Designers. This was an unfair characterization that could not be further from the truth.

The truth is that as an Architect, I work with and respect Interior Designers. However, these bills would materially impact the manner in which the design of building life safety systems would be practiced in Michigan. It is surprising these bills were drafted with such broad definitions. The Committee was not provided adequate information regarding the negative ramifications of the language contained in these bills. Some examples:

Equipment- under common usage in the industry, this term means HVAC equipment, Electrical equipment, even Elevator equipment. Even the best Interior Designer is not trained to design these systems, or to understand how they are integrated into the other building systems.

Lighting Outlets and Switching - This needs to be limited to relocating and not adding new which would materially affect the electrical system.

Non-Loading Bearing Interior Partitions - This is very broad. In my view, Interior Designers should be restricted to systems furniture partitions less than 69" which is what previous code editions allowed. While wall partitions may not carry gravity loads, they may be part of shear walls to resistant wind. In other words, the absence of a gravity load doesn't necessarily mean a partition wall is not part of the structural system. This is not to mention any of the fire safety aspects of partition walls that require the application of architectural principles.

"...has a substantial and negative impact on the health, safety, and welfare of the occupants of the interior space after installation..." - This cannot be determined until after the fact. Additional fixtures and equipment may not overload the electrical system until everyone and everything is turned on, then a fire may start.

At the hearing, I heard a story about systems furniture plans that were returned for an Architectural design. I'd like to hear "the rest of the story." Where was this project and who was the building official and Architect? The Committee should call the actual participants to testify so the whole story is known.

The bottom line is the Committee was not provided accurate or complete information at the hearing.

Should you have any questions, please contact this office at the number below.

Sincerely,

Roger Donaldson AIA

Member Architect

Roger L. Donaldson, AIA P.L.C.

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email

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September 17, 2007

State of Michigan House of Representatives
Commerce Committee
Lansing Michigan

Re: Opposition to House Bills 4770, 4771, and 4772

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Stephen Smith, AIA
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September 17, 2007

Honorable Commerce Committee Members

Andy Meisner, Bill Huizenga, Aldo Vagnozzi,
Andy Coulouris, Bert Johnson, Lee Gonzales,
Gino Polidori, George Cushingberry, Robert Jones,
Mary Valentine, Mark Meadows, Matthew Gillard,
Gabe Leland, Dudley Spade, Arlan Meekhof,
Neal Nitz, Judy Emmons, John Stahl, Glenn Steil,
Tom Pearce, John Stakoe, Rick Jones

Re: House Bills 4770- 4772

Dear Honorable Commerce Committee Members,

On behalf of the 350 members of the Southeast Michigan Building Officials and Inspectors Associations (SEMBOIA) I would like to express our opposition to the Interior Design Licensing bills before the committee (HB 4770-4772). Our organizations opposition to the licensing of interior designers has often been expressed to the legislators over the pass years.

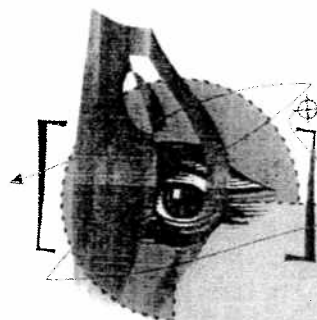
It is our opinion that these bills will not protect the public health, safety and welfare and is unnecessary and potentially dangerous legislation. Currently the Licensed Design Professionals (architects and engineers) are successfully fulfilled that requirement as they have been for many years and we see no need to change or try to fix what is not broke.

Other issues that we found in the bills that are objectionable to us is the requirement that we as Building Officials would now be required to determine what work "materially (negatively) affects" the building. Almost every aspect of construction could materially affect the building; therefore we feel it would go beyond the scope and training of the interior designer. Also the "non-load bearing" partitions language is of no major consequence since most interior walls are non-load bearing but, none the less, can significantly affect the life safety systems because of fire and egress requirements to mention a few. Further, this not only puts a tremendous and unnecessary burden on all Building Officials but also the municipal they represent.

Please vote against these bills. Thank you.

Southeast Michigan Building Officials and Inspectors Associations

Tim Brandt, President
Building & Zoning Administrator
Milford, Township, Michigan



studio [intrigue] ARCHITECTS

David C. VanderKlok,
AIA, NCARB

Kenneth L. Jones II

September 17, 2007

Honorable Representative Barb Byrum

RE: Opposition to House Bills 4770, 4771, 4772, Regulation of Interior Designers

Dear Representative Byrum:

I was in attendance at the September 11, 2007 Commerce Committee Hearing regarding the above stated bills. As I sat and listened to the testimony in favor of these bills, I realized that it must be extremely difficult for lawmakers to understand what architects and interior designers do, and therefore, it must be difficult to make an informed and responsible decision. I had submitted a card in opposition to the bills and requested to speak regarding the matter—I understand that we “ran out of time” so I was not heard.

The truth is, the issue before the Commerce Committee requires much more than a cursory review. To become a licensed architect, I went through six years of college; three years of internship under the supervision of a licensed architect; one year studying for the licensing exam, and one year taking and passing a nine part licensing exam. I have been practicing for seven years now, weathering the ups and downs of a very competitive market and all the risks and liabilities we face. I don't think the rhetoric I heard at the hearing addressed any of the realities of our profession, our responsibilities or our marketplace.

Start with this: Architects respect the services that interior designers provide. I have worked along side many through the years and feel that interior designers assist me in making a good project into an excellent project—their contributions are often truly outstanding. But there are real differences between Interior Designers and Architects and that's why these bills are misguided.

The greatest differences, in my opinion, are training, applying/understanding the code and general understanding of structures.

Training: There has been testimony that the academic education of architects and interior designers is the same. Yes, there are some similarities, but there is a great departure in both the formal training and the internship that architects are required to have.

Education: Currently, architects are required to have a Bachelor's Degree and a Professional Degree (graduate degree). Interior Designers are only required to have a Bachelor's Degree. Interior Designers can continue their education and go on to obtain a masters or even a doctorate, but the minimum requirements do not match those of an architect.

architectural design

interiors

master planning

sustainability studies

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drawings

renderings

specifications

ADA studies

ordinance research

code research

logo design

graphic design

furniture design

brochure design

NCARB



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517.372.8804 PHONE ✕ 517.372.8805 FAX ✕ WWW.STUDIOINTRIGUE.COM

Internship: There is absolutely no academic course work that can compare the heft of knowledge and experience obtained in working under a licensed architect or engineer. This internship is required as a part of the training process to becoming an architect. It is a program established by NCARB (National Council of Architecture Registration Boards) and is known as the IDP program (Intern Development Program). This program takes two to four years to complete and is designed to cover all aspects of a well-rounded practice knowledge (design and technical). This is where much of the understanding of the library of codes is obtained and applied.

Code: Although academic programs provide some limited exposure to the code, nothing can replace the formal training that takes place in an internship under the direct supervision of a licensed engineer or architect. Applying a library of code books to projects on a daily basis, as architects and engineers do, finely tunes the understanding and application of the code—this happens during the Intern Development Program (IDP) process. The interior designers that I have worked with in the past have depended on my understanding of the code in reviewing their design intent—not only did they not fully understand the code, but they did not even have code books at their office.

Structure: This, I believe, is the most important and best described with an example. The proposed bill describes that an interior designer can design [systems] as long as they do not “materially affect the building mechanical, structural, electrical or fire safety systems”. The “materially affects” language is frighteningly loose. What everyone MUST understand is that there must be an understanding of life safety systems and that a JUDGEMENT of this must take place and if incorrect, the structure won’t function as intended.

Example: I worked on an East Lansing commercial renovation project two years ago. The Owner decided to use a reputable interior designer out of Grand Rapids in lieu of using my services.

Although I felt that the state law required a licensed architect on the job, the Owner progressed with the interior designer.

Months later I received a call from the builder—his laborers were commencing on demolishing the interior in accordance with the designer’s drawings. He stopped his laborers and expressed “concern” that several of the walls were structural.

I immediately went to the project and confirmed that several of the walls (called out to be removed on the interior designer’s drawings) were structural. Many carrying loads exceeding 10,000 lbs. NOTE, the upper level of the building was occupied at the time of the renovation!

NOW, what would have happened if the builder didn't have enough common sense and understanding to alert the appropriate people? WHEN do we figure out that we are giving interior designers too much authority with the design of structures? Do we need to have members of the public injured before we realize that we've made a mistake?

Regarding the proposed bill, **EVEN WITH THE LANGUAGE STATING THAT INTERIOR DESIGNERS CAN ONLY MODIFY NON-LOAD BEARING PARTITIONS**, the identification of which walls are "non-load bearing" is left with the Interior Designer. That doesn't make sense.

Lawmakers should understand that this happens often. I was called out to a similar case (another designer involved) months later with similar circumstances.

Few building officials are Architects or Engineers. They depend on the studies and JUDGEMENTS of design professionals to determine the existing conditions and to make INFORMED DECISIONS on elements that impact the health, safety and welfare of the public. We all play certain roles in the protection of public health safety and welfare. I'm sure it is not intentional on the part of the proponents, but the proposed bills cut a hole in the system that weakens the structure of protection.

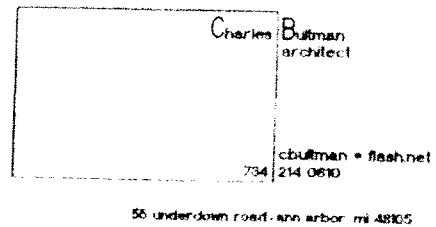
Sincerely,



David C. VanderKlok, AIA, NCARB
Licensed Architect, Michigan # 103046738
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14 September 2007

Ms. Pam Byrnes
S0986 House Office Building
P.O. Box 30014
Lansing, MI 48909-7514

Re: Michigan House Bill 4772

Dear Ms. Byrnes:

I am a licensed Michigan architect and have worked on many projects here in Michigan, as well as in other states and abroad. I am writing today to ask that you **NOT** support Michigan House Bill 4772 as it will not serve the Michigan building community, or Michigan's citizens.

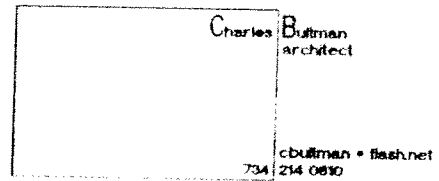
The problem is that 100% of the activities specifically described to be 'interior design services' are *taught* in the schools of architecture across the country. 100% of these activities that are specifically described to be 'interior design services' are *required* to be included in an architect's three-year apprenticeship. And 100% of these activities are *included* on the architect's licensing exam, which is one of the most rigorous licensing exams for any professional in this country.

Not only are architect's educated and experienced with *all* of the items described as 'interior design services' we are also educated in many more things. As I am sure you are aware, we are *required* to also know the codes, fire and safety requirements, egress patterns, fresh air issues, grading and water management to protect our buildings and the environment, moisture management to prevent mold, as well as structural requirements with respect to gravity, wind, and earthquakes, to only name a few.

As a practicing architect with a diverse background, I am of the opinion that you should not turn over the responsibility of placing, or manipulating, the major building systems to anyone but an architect. Why do I come to that conclusion?

Non-load bearing partitions, for example, do not have signs on them saying, "I am a non-load bearing partition". Whether or not a partition has some structural responsibility can only be determined by a thorough evaluation of the specific building's technology by someone who is familiar with all of the structural requirements that need to be addressed. A particular 'wall' in a building may appear to have no responsibility with respect to gravity loads but may indeed be structurally bracing a perpendicular wall against wind loads. One who is not educated and trained in these systems as a whole should not be entrusted to add onto or alter parts of them.

Also, the non-load bearing partitions, system furniture, and other equipment, define the circulation system within a building and the circulation must accommodate all of the requirements for the emergency egress system within that building, as well as the very different circulation requirements of our Accessibility Code. Once again, architects work within these constraints every day and once again no one paints, 'This is an exit access corridor' on the floor of a hallway. To determine the egress patterns within a building and to evaluate how the egress is calculated you must be familiar with how these systems work and their goals, and once again, you must evaluate the building as a whole.



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I bring my children to see great performers. "Oh, I can do that", they always declare. Built buildings can be much like those performances, seemingly understandable, repeatable, and malleable by an observer, but nothing could be further from the truth. Even the simplest building is required to have every one of its systems thought through completely and in full compliance with all of the codes of the state. Adding to, or subtracting from, these buildings should be done by professionals who are versed in *all* of the requirements. To allow others to tinker with the systems without understanding them, and how they work, is a recipe for problems in the future.

Of course as an architect I am biased and against this bill. However as a business person I should be biased in support of it. I have a background in architecture as well as construction and can fix the problems that arise from construction mistakes and have done so many times in the past. However I know that the cost to fix these problems is many times higher than the cost of doing it right the first time and the heartache is huge. And while it has paid my bills and then some, it is not the work I would prefer to be doing.

It is therefore my hope that you will vote against this bill as it can only lead to under qualified people manipulating our buildings and potentially causing serious problems for the community. Thank you for your time and attention to this important matter

Sincerely,

Charles Bultman, architect, Inc.

Charles T. Bultman II AIA NCARB

SANDRA MARIE LAUX

1302 Joliet Place, Detroit, Michigan 48207

phone 313.396.1817

September 24, 2007

Representative Andrew Meisner, Chairman
House Commerce Committee
House Office Building
P.O. Box 30014
Lansing, MI 48909

RE: Opposition to House Bills 4770, 4771 and 4772, Regulation of Interior Designers

Dear Chairman Meisner and Honorable members of the House Commerce Committee:

I would like to register my opposition to house bills 4770, 4771 and 4772. I do so as a registered architect in the state of Michigan; one who has been practicing architecture for over 17 years in the City of Detroit. I am currently employed at Hamilton Anderson Associates located in downtown Detroit. Please allow me to relate the following experience, which not unusual in our industry:

For the past nine months, I have been working on a high-rise condominium building for which the client retained the services of an interior designer for unit layout and interior design. Hamilton Anderson Associates was retained as the Architect of Record of the interior architecture and thus required to correct the errors and omissions of the interior design drawings. Upon review of the unit layouts provided by the interior designer, it was clear that the interior designer did not have a working knowledge of mechanical, plumbing or electrical systems nor building code requirements relative to egress and barrier free issues. For example, several units did not comply with building codes requirements concerning common path of travel, a code requirement that limits the distance an occupant may travel before reaching a point that allows for a choice between two different exit paths. For this project, the distance allowed is 75 feet. Some of the dwelling units exceeded that limit by more than 100 feet! It is important to note that the firetrap created by the interior designer was solely through the use of non-load-bearing walls. Hamilton Anderson instructed the interior designer how to redesign the layouts so the units will comply with the code.

Your bill will have unintended negative consequences. House Bill 4772, allows non-architects to provide "the design of interior spaces, including the preparation of design documents relative to ... non-load-bearing interior partitions that do not materially affect the building mechanical, structural, electrical or fire safety systems." Paragraph C. subparagraph ii goes on to explain that "materially affect" means activity that "is incompatible with the applicable building or fire code to such a degree that more than a minor modification ...is needed to correct that incompatibility with the building or fire code." The corrections I made in the above-described drawings certainly could be interpreted under the proposed statute as "minor."

SANDRA MARIE LAUX

1302 Joliet Place, Detroit, Michigan 48207

phone 313.396.1817

If an architect or engineer is not required to be involved, when do the errors in interior design drawings like the ones in the above-described example get caught? Three possible instances come to mind:

- 1) When the drawings are submitted for permit review. Without the seal of an architect or engineer, a greater burden is placed on the municipality or other reviewing authority, adding to the cost of operating the governmental department. If the errors are caught, the drawings can be revised, probably at a cost to the owner.
- 2) When the project is under construction and subject to site inspections. If the violation is identified, demolition of the areas in non-compliance is required along with redesign, documentation and reconstruction. Correction is more costly at this point in the project.
- 3) When the structure is occupied and a tenant is unable to exit the building safely. The potential cost in that circumstance isn't just a cost in dollars, of course.

In each instance, it could be argued that the error would have only required no more than "a minor modification of the interior design documents". However, in each instance, the actual cost of the error may be very significant.

As my real-life example illustrates, placement and design of non-load bearing walls is beyond the education, training and experience of an interior designer. Design decisions such as the location of lighting outlets and switching should be handled by the electrical engineer, retained by the electrical contractor, not an interior designer. There are many consequences of this bill I doubt the promoters appreciate.

In summation, HB 4770-4772 creates unnecessary regulation that does not protect the public.

Sincerely,



Sandra Laux, AIA

AIA Michigan

A Society of The American Institute of Architects

September 17, 2007



Honorable Members of the Commerce Committee
Michigan House of Representatives

Re: HB 4770-4772

Dear Committee Members;

My name is Frederick Butters and I am Co-Chair of the AIA Michigan Legislative Affairs Committee. I write you to urge your opposition to HB 4770-4772.

I realize at this juncture you have received extensive material on both sides of the issue. Therefore, I don't write you to offer additional commentary, much of which you have probably already heard. Instead, I write to address statements regarding the negotiations between AIA Michigan and the bill advocates concerning the specifics of these bills. I attended the hearings on these bills on September 11, 2007, and in light of what was said, some perspective is in order.

When the prior version of these bills initially came before the Commerce Committee for hearing in the prior session, the primary reason offered in support was a change to the Building Code which occurred when Michigan adopted the International Building Code (the "IBC") in the prior code adoption cycle. The bill advocates argued that since the IBC defined a design professional as someone who was licensed or registered, interior designers, who were neither licensed nor registered, were unable to perform services they had been performing prior to the adoption of the IBC. In sum, the "remedy" proposed was to license or register interior designers so that they fit within the IBC language.

While the language in the prior code did differ slightly from that in the IBC, AIA did not believe that it had the effect the interior design advocates urged. Nevertheless, rather than see the State adopt an entirely new licensing scheme to correct what appeared to be an unintended consequence arising from the adoption of the IBC, the better course appeared to be modifying the code to fit current regulatory practices as opposed to adding an entirely new regulatory layer to address the changes in the code.

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To that end, AIA offered to work with the interior design advocates to address the changes they suggested had engendered the need for these bills. Over a short period of time, AIA first offered to work to change the code such that the language tracked prior practice. Since we recognized that the code is adopted on a 3 year cycle, we also recognized that a change in the statute would be necessary so as to ensure that the change would be permanent and would not be swept out with the next code adoption. Although that change would have addressed the stated concerns, it was rejected out of hand.

Looking at the old Building Officials & Code Administrators (the "BOCA") code language which was effective until the adoption of the IBC, it is apparent that the old code deferred to the law of the state to determine whether a seal was required with a building permit submission. Specifically, where the services necessary to complete a project fell within that scope defined by the licensing statute as the practice of Architecture or Engineering, a seal was required. Where the services necessary didn't fall within those defined scopes, a seal was not necessary.

Since the code sets life safety standards, AIA took no exception to that BOCA code provision, and believes that it represents an appropriate demarcation line. Simply stated, where the code is implicated, life safety standards are likewise, and a seal is required. Where the code is not implicated, life safety is not an issue, and a seal is not required. Since that balance had been workable for decades prior to the IBC, it appeared to strike an appropriate balance going forward.

In order to clarify that principle in the IBC, AIA proposed a re-write of the bills such that they made plain the old BOCA code distinction. Under the AIA proposal, where the code and the life safety principles it embodies were implicated, a seal would be required in order to secure the building permit. Where life safety principles were not implicated, no seal would be required, and anyone (not just interior designers) could secure the permits. While this approach doesn't appear to be substantially different than the "materially affects" distinction that is written into the current bills, it didn't include any interior design regulation per se. Where an individual municipality chose to require a permit for work that didn't implicate the code and therefore life safety, it was free to do so, so long as it didn't require a seal in order to secure those permits. Although that proposal did address all of the issues the IBC engendered, it was also rejected out of hand.

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The AIA proposals brought forward principles which had worked under the BOCA code for several decades and made them a fixture of the law going forward. Both proposals were offered in good faith, and both addressed the reasons the proponents of these bills offered in support of their position. While the second proposal could arguably be viewed as a form of de-regulation, at least where life safety was not implicated, it was not tantamount to abrogation of the building code. Indeed, contrary to some suggestions, at no time did AIA ever suggest or propose doing away with the building code. Other than to reject the AIA proposals out of hand, the interior design advocates did not offer any counter proposals or commentary.

While we do understand advocacy, the light cast on our efforts to address this issue illustrates them in something less than full perspective. We continue to believe that any concerns over the ability of an interior designer to practice can and should be addressed by making a permanent change in the code such that the principles that work so well for so long can continue to work into the future. We likewise believe that this can still be accomplished short of adding an additional set of regulations to the already overburdened Department of Labor and Economic Growth, particularly at a time where resources are increasingly scarce.

Although we continue to believe that our efforts were undertaken in good faith, and that those efforts produced responsible proposals, in the final analysis the opinion you may hold of AIA Michigan is unimportant. You must look only to the interests of the people of the State of Michigan. In that, the continuation of the old BOCA approach is a viable alternative that addresses the stated concerns short of additional regulation, that will cost nothing and create no new or additional burdens, it was and remains the best alternative.

Please focus not on what you are told about this history, but instead what you can discern with your own critical view. We believe that when you do, you will conclude that the purposes underlying HB 4770-4772 can be accomplished in a less intrusive and costly manner, far short of additional, new regulation.

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AIA Michigan

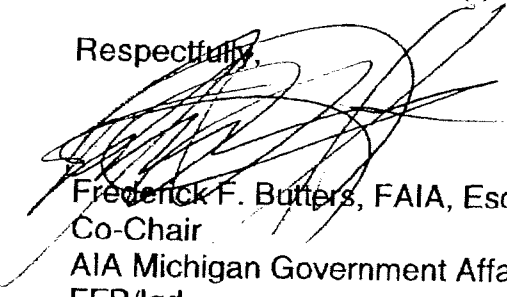
A Society of The American Institute of Architects

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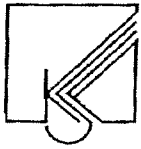


We therefore urge you to oppose HB 4770-4772.

Respectfully,


Frederick F. Butters, FAIA, Esq.
Co-Chair
AIA Michigan Government Affairs
FFB/lgd

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September 17, 2007

Honorable Commerce Committee Members

Re: House Bills 4770, 4771, 4772.

Dear Commerce Committee-

I am a licensed architect practicing Architecture and Interior Design in the State of Michigan and I oppose House Bills 4770, 4771, 4772 for the following reason.

In Article 28, Sec. 2801 (A) the bill defines "Interior design services" with a list of services including: design document preparation, finishes, systems furniture, furnishings, fixtures, equipment, lighting outlets and switching and placement of non-load bearing interior partitions. In Sec. 2807 (2) (A), the Bill states that one exemption from licensure is someone already licensed in a profession who engages in interior design services within the scope of the licensed practice (such as an architect) "so long as he or she does not hold himself or herself out as an interior designer."

The architectural licensing exam that Michigan requires its architectural candidates to pass, includes the services listed above in the subject matter that it tests. Thus, by passing the architectural registration exam, Michigan architects have demonstrated competency to provide Interior Design services. Traditionally, architects have provided such services among others to design clients and held themselves out as Interior Designers as well as architects. There is no justification for prohibiting a professional architect who has met Michigan licensure requirements from referring to himself or herself as an Interior Designer.

Sincerely,

Keith Fineberg
KSF Architects